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Best Buy Co., Inc.

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

David Losey, individually,	)	Case No.: 2:23-cv-01958-JAD-BNW
	)	
Plaintiff,	)	<b>STIPULATION AND ORDER TO</b>
vs.	)	<b>EXTEND DISCOVERY</b>
	)	<b>(Third Request)</b>
Best Buy Co., Inc., a foreign corporation;	)	
and DOES 1 through 100; and ROE	)	
CORPORATIONS 101 through 200,	)	
	)	
Defendants	)	

In accordance with the Local Rule of Practice for the United States District Court for the District of Nevada ("LR") IA 6-1 and 26-3, Defendant Best Buy Co., Inc. ("*Defendant*" or "*Best Buy*") by and through their counsel of record Jack P. Burden, Esq., Lisa M. Szyk, Esq., of the law firm BACKUS | BURDEN, and Plaintiff David Losey, by and through his counsel of record Scott Poisson, Esq., and Amber King, Esq., of the law firm of High Stakes Injury Law hereby stipulate and agree to an extension of all remaining discovery deadlines by ninety (90) days. The parties propose the following revised discovery plan. This is the second request to extend discovery.

**DISCOVERY COMPLETED TO DATE**

- Plaintiff has served Initial FRCP Disclosures;
- Defendant has served Initial FRCP Disclosures;
- Defendants propounded Interrogatories to which Plaintiff has responded;
- Defendants propounded Requests for Production to which Plaintiff has responded;
- Plaintiffs have propounded Requests for Productions to Defendant;

- Plaintiffs have propounded Interrogatories to Defendant;
- Plaintiffs have served 2<sup>nd</sup> Supplemental FRCP Disclosures
- Plaintiffs have served 3<sup>rd</sup> Supplemental FRCP Disclosures
- Plaintiffs have served 4<sup>th</sup> Supplemental FRCP Disclosures
- Plaintiff propounded Second Request for Production of Documents to Defendant
- Deposition of Plaintiff
- Defendants have served 2<sup>nd</sup> Supplemental FRCP Disclosures
- Defendant Served Initial Designation of Expert Witnesses
- Plaintiffs Disclosures of Expert Witnesses
- Defendant Propounded Initial Request for Admissions to Plaintiff
- Plaintiffs First Supplement to Expert Witnesses Disclosure
- Plaintiff Responded to Request for Admissions

### **DISCOVERY TO BE COMPLETED**

- Defendant intends to take deposition of Plaintiffs expert witness

### **REASONS FOR EXTENSION TO COMPLETE DISCOVERY**

The parties make this request in good faith. The parties have completed all discovery, with the exception that Defendant still needs to take the deposition of Plaintiff's expert. The parties reached a stipulation to take this single expert deposition outside of the discovery cut-off period as anticipating that the deposition would be able to be set the first week of January. Unfortunately, the expert is not available until the last week of January, after the dispositive motion deadline has passed. The parties have been trying to get this deposition set since Plaintiff disclosed the First Supplemental Expert Disclosure on November 25, 2024, approximately one month prior to the discovery-cutoff date.

Pursuant to Fed.R.Civ.P.6, LR 26-3, LR 1A6-1, LR 26-1 good cause exists to extend the deadline for the dispositive motion and pretrial order. This will give the parties an opportunity to honor their stipulation to take the singular deposition of Plaintiff's expert outside the discovery cutoff period as previously agreed based on the scheduling issues presented, of getting it scheduled within the timeframe. The parties anticipated that the deposition would be set just

outside the window, and not one month later, when they reached this agreement. The parties have the expert's and counsels' availability. The deposition can be set as the dispositive deadline has not passed and this request to continue the dispositive deadline is made within 21 days of its passing.

### **PROPOSED NEW DISCOVERY DEADLINES**

#### **Amending the Pleadings and Adding Parties:**

Current: Closed

**Proposed: No Change**

#### **Initial Expert Disclosure:**

Current: Closed

**Proposed: No Change**

#### **Rebuttal Expert Disclosure:**

Current: Closed.

**Proposed: No Change**

#### **Discovery Cutoff:**

Current: Closed

**Proposed: No Change**

#### **Dispositive Motions:**

Current: January 23, 2025

**Proposed: February 20, 2025**

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**Pretrial Order:**

Current: February 24, 2025

**Proposed: March 26, 2025**

DATED: January 2, 2025

DATED: January 2, 2025

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**ORDER****IT IS HEREBY ORDERED:**

The deadline to amend pleadings and add parties has passed and is therefore closed. The deadline for the parties to disclose initial experts is close. The rebuttal experts deadline is closed.

All pre-trial motions, including but not limited to, discovery motions, motions to dismiss, and motions for summary judgment is extended from January 23, 2025 until February 20, 2025.

The Joint Pre-Trial Order in the above-captioned action shall be filed with this Court no later than thirty (30) days after the date set for filing dispositive motions, which shall be March 26, 2025.;

DATED: this 3 day of January, 2025

  
UNITED STATES MAGISTRATE JUDGE

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